FOCUSED DESERT TORTOISE SURVEY

CUTTING EDGE CONCRETE

CONDITIONAL USE PERMIT
P201100453
APN 0468-281-26

SAN BERNARDINO COUNTY, CALIFORNIA
(USGS Victorville, CA Quad.; Township 6 North, Range 4 West, Section 29)

Owner/Applicant

Cutting Edge Concrete, Inc.
P.O. Box 398
Oro Grande, CA 92368
(760) 955-2888

Prepared by:

RCA Associates, LLC
15555 Main Street, #D4-235
Hesperia, California 92345
Principal Investigator
Randall C. Arnold, Jr.
(760) 956-9212

Report prepared by: Randall Arnold
(760) 956-9212

Project No: RCA#2012-7A

June 4, 2012
(Date report prepared.)

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EXECUTIVE SUMMARY

The project proponent is proposing to construct an office building on a 5.63-acre parcel located at 18020 National Trails Highway in Section 29, Township 6 North, range 5 West in San Bernardino County. An existing metal building and office (previously converted from a single-family dwelling) are located in the northern portion of the site, and most of the rest of the site is used for parking various vehicles and storing materials. Very little native vegetation currently exists on the site due to past and on-going human activities. Only a few rabbitbrush (*Chrysothamnus depressus*) and saltbush (*Atriplex canescens*) plants were observed along with various annuals.

The property is located within the known distribution of the desert tortoise; therefore, focused surveys were performed for the species on May 21, 2012 from approximately 0630 to 0930 hours. Surveys were not conducted in the zone of influence as per survey protocol due to the presence of existing fences and posted areas. The surveys were performed by Randall Arnold using the standard survey protocol for the species (i.e., 10-meter belt transects) as required by California Department of Fish and Game (CDFG) and U.S. Fish and Wildlife Service (USFWS).

The site does not support prime suitable habitat for the desert tortoise based on on-going and past human activities; furthermore, no tortoises or tortoise sign (burrows, scats, carcasses, etc.) were observed on the site. The species has been documented in the region and populations have been documented about three miles north of the site (CNDDB, 2012). The species is not expected to move on to the site in the future based on the absence of suitable habitat and the presence of an existing fence around the property.

1.0 PROJECT AND PROPERTY DESCRIPTION

The property consists of land which has been used for various human activities over the last several years. An existing metal building and an office building are located in the northern part of the site. Most of the remaining portion is utilized for parking various vehicles and/or storage of materials. In addition, gravel covers much of the eastern portion.

The parcel is located at 18020 National Trails Highway and is about 5.63-acres in size (gross). It is located in San Bernardino County (Township 6 North, Range 4 West, Section 29) at an elevation ranging from about 2660 to 2700 feet (MSL). Soils have been significantly disturbed; however, they appear to be primarily sandy loam. No water resources were observed on the site and the USGS Victorville Quadrangle (1956) does not show any blueline channels on the site. No sensitive wildlife habitats, sensitive wildlife species, or wildlife corridors were associated with the site. Weather conditions during the May 21, 2012 survey consisted of winds of 0 to 5 mph, temperatures in the low 50's to low 70's (AM, °F) with about 5 percent cloud coverage. The site is surrounded by vacant lands; although, there are a few single-family dwellings within about 0.5 miles of the site. The site supports very little native vegetation with only a few rabbitbrush (Chrysothamnus depressus) and saltbush (Atriplex sp.) shrubs observed primarily in the southwest portion of the site. Annuals consisted of erodium (*Erodium texanum*), schismus (*Schismus barbatus*), buckwheat (*Eriogonum fasciculatum*) and brome grass (*Bromus* sp.). Section 4.0 provides a more detailed discussion of the biological resources. The project map is provided below (Figure 1), and the USGS quadrangle map is provided in Figure 2. Figure 3 provides photographs of the site.

The proponent is proposing to construct a new office building in the location where the current office building is located. The existing office building was previously used as a single-family dwelling and will be removed prior to the start of construction activities. Pavement will also be installed around the new building as depicted on Figure 1.

SAN BERNARDINO COUNTY CONDITIONAL USE PERMIT

FOR OFFICIAL USE ONLY

UTILITIES:

ELECTRIC:	SOUTHERN CALIFORNIA EDISON COMPANY 12353 HESPERIA ROAD VICTORVILLE, CALIFORNIA 92395 (760) 241-3905	SEWER:	HELENDALE CSD 26719 VISTA RD., SUITE 3 HELENDALE, CALIFORNIA 92342 (760) 951-0006
TELEPHONE:	VERIZON 15168 LA PAZ DRIVE VICTORVILLE, CALIFORNIA 92395 (760) 245-4251	SEWAGE TREATMENT:	HELENDALE CSD 26719 VISTA RD., SUITE 3 HELENDALE, CALIFORNIA 92342 (760) 951-0006
WATER:	HELENDALE CSD 26719 VISTA RD., SUITE 3 HELENDALE, CALIFORNIA 92342 (760) 951-0006	GAS:	SOUTHWEST GAS 13471 MARIPOSA RD. VICTORVILLE, CALIFORNIA 92395 (760) 241-8120

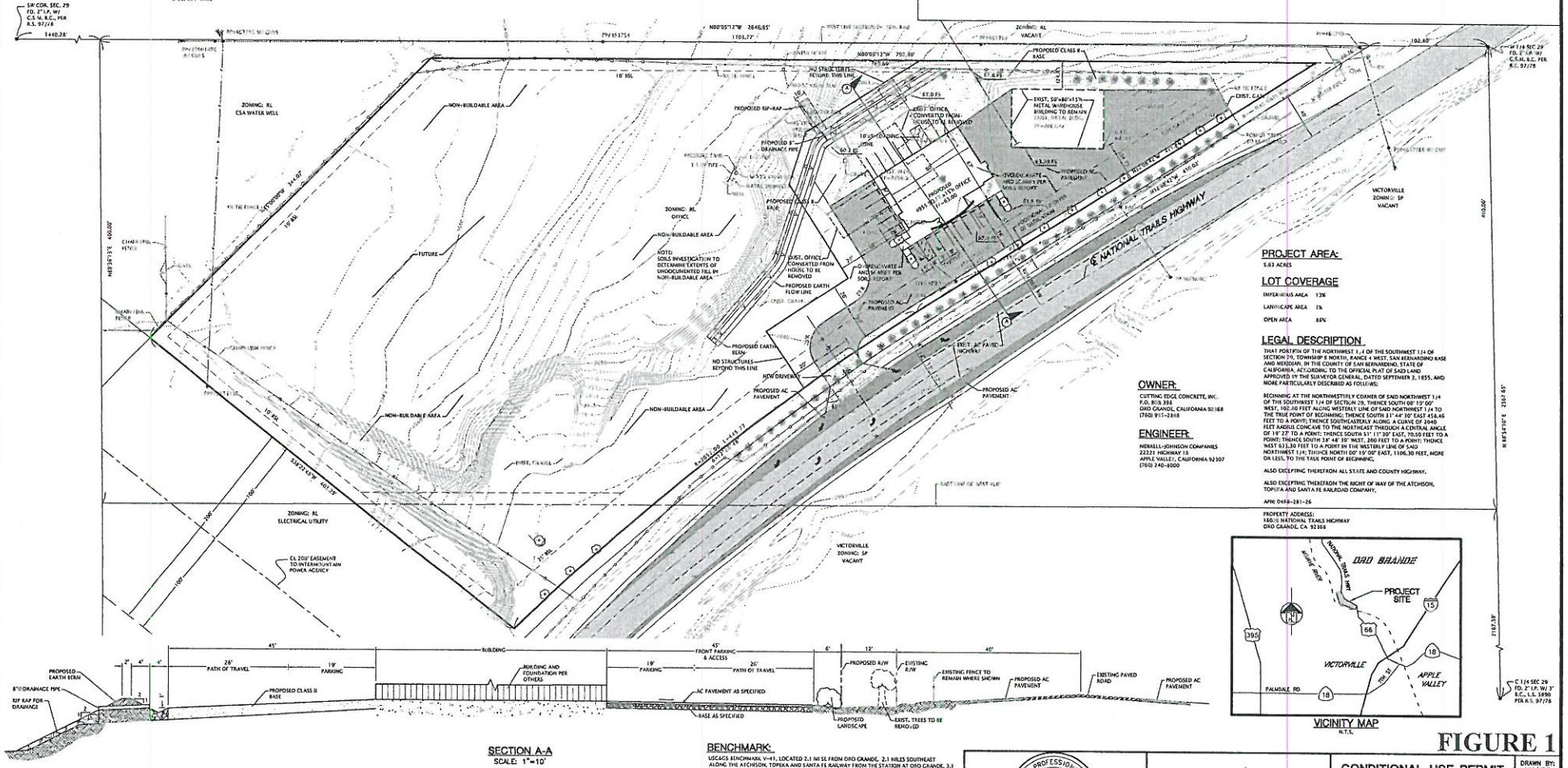
PARKING

LAND USE	RATE	BLDG SIZE	REQ.	PROVIDED
WAREHOUSE	1/1000 SQ.FT.	4000 SQ.FT.	4	4
OFFICE	1/250 SQ.FT.	4955 SQ.FT.	20	20
TOTAL			24	24
VAN ACCESSIBLE SPACE FOR DISABLED			1	1
DISABLED SPACE			1	1
LOADING ZONE			1	1

GENERAL NOTES:

1. THERE ARE NO SIGNS PROPOSED AS PART OF THIS PROJECT.
2. THERE ARE NO PROTECTED PLANTS ON THIS SITE.

SCALE: 1" = 40'



PROJECT AREA:

5.63 ACRES

LOT COVERAGE

IMPERVIOUS AREA	12%
LANDSCAPE AREA	1%
OPEN AREA	88%

LEGAL DESCRIPTION

THAT PORTION OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 8 NORTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND APPROVED BY THE SURVEYOR GENERAL, DATED SEPTEMBER 3, 1855, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, THENCE SOUTH 00° 15' 00" WEST, 102.00 FEET ALONG WESTERLY LINE OF SAID NORTHWEST 1/4 TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 31° 44' 30" EAST 458.46 FEET TO A POINT; THENCE SOUTHEASTERLY ALONG A CURVE OF 2040 FEET RADIUS CONCAVE TO THE NORTHEAST THROUGH A CENTRAL ANGLE OF 16° 27' TO A POINT; THENCE SOUTH 51° 11' 30" EAST, 70.50 FEET TO A POINT; THENCE SOUTH 38° 48' 30" WEST, 200 FEET TO A POINT; THENCE WEST 633.30 FEET TO A POINT IN THE WESTERLY LINE OF SAID NORTHWEST 1/4; THENCE NORTH 00° 59' 00" EAST, 1106.30 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM ALL STATE AND COUNTY HIGHWAY.

ALSO EXCEPTING THEREFROM THE RIGHT OF WAY OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD COMPANY.

APN: 0468-281-26

PROPERTY ADDRESS:
18810 NATIONAL TRAILS HIGHWAY
ORO GRANDE, CA 92368

OWNER:

CUTTING EDGE CONCRETE, INC.
P.O. BOX 394
ORO GRANDE, CALIFORNIA 92368
(760) 917-2818

ENGINEER

MERRELL-JOHNSON COMPANIES
22321 HIGHWAY 18
APPLE VALLEY, CALIFORNIA 92307
(760) 240-8000

VICINITY MAP
N.T.S.

SECTION A-A
SCALE: 1"=10'

BENCHMARK:

USC&GS BENCHMARK V-41, LOCATED 2.1 MI SE FROM ORO GRANDE, 2.1 MILES SOUTHEAST ALONG THE ATCHISON, TOPEKA AND SANTA FE RAILWAY FROM THE STATION AT ORO GRANDE, 3.3 MILES NORTHWEST OF VICTORVILLE, 4 1/2 RAILS SOUTHEAST OF A 36-INCH CONCRETE PIPE CULVERT, ABOUT 70 FEET NORTHEAST OF THE NORTHEAST CORNER OF A STEEL STRUCTURE OF U.S. HIGHWAY 66 BRIDGE OVER MOJAVE RIVER, IN THE TOP OF A HUGE BOULDER, 31.8 FEET SOUTHWEST OF THE SOUTHWEST RAIL OF THE SOUTH BOUND TRACK, ABOUT 4 FEET LOWER THAN THE TRACK, AND ABOUT 4 FEET ABOVE THE GROUND. NOTE-- THE DISK IS SLANTING, ROD HELD OVER THE LETTER V IN THE MONUMENT DURING THE 1956 RELEVELING.
ELEV=2650.17

BASIS OF BEARINGS:

TAKEN FROM THE WEST LINE OF SECTION 29, T8N, R4W, S.B.M. PER LEGAL DESCRIPTION.
BEING: N00°05'12"W

REGISTERED PROFESSIONAL ENGINEER
BRAD S. MERRELL
No. C-49423
Exp. 9-30-12
CIVIL
STATE OF CALIFORNIA

BRAD S. MERRELL R.C.E. 49423 – EXP. 9/30/12

Merrell Johnson COMPANIES

22321 HIGHWAY 18
APPLE VALLEY, CALIFORNIA 92307
(760) 240-8000
(760) 240-1400 FAX

128 E. FREDERICKS STREET
BARSTOW, CALIFORNIA 92311
(760) 256-2068
(760) 256-0418 FAX

CONDITIONAL USE PERMIT
SITE PLAN
APN: 0468-281-26
FOR:
CUTTING EDGE CONCRETE

DRAWN BY: MN/JBC
DATE: 10/24/11
JOB NO. 2939-22
SHEET 1 OF 1

FIGURE 1

3

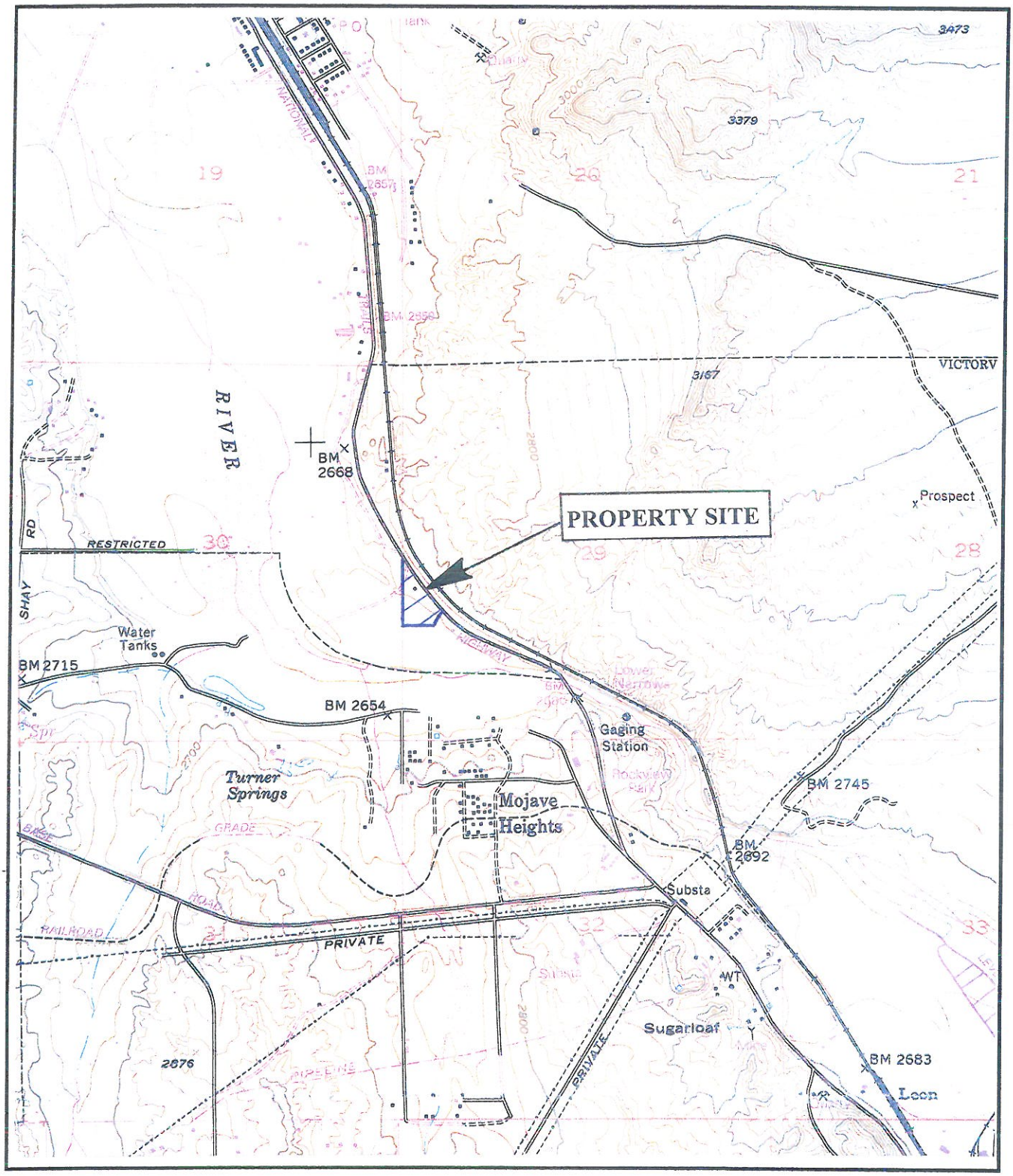
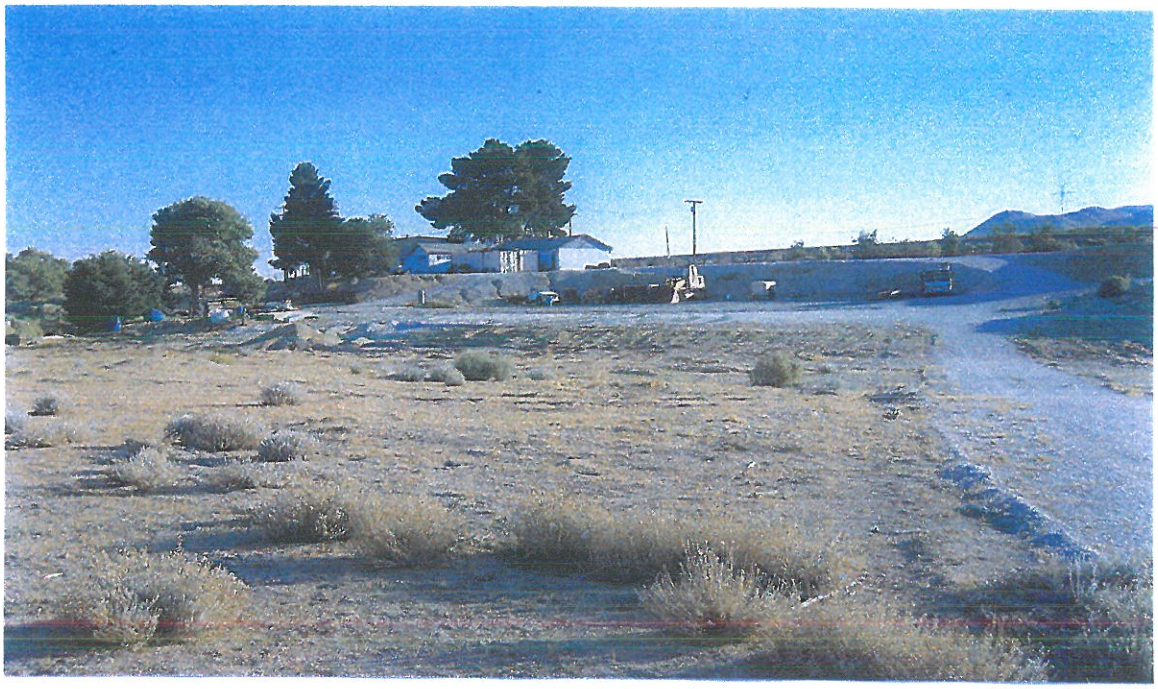


FIGURE 2

USGS Victorville, CA Quadrangle
(Cutting Edge Concrete, APN 0468-281-26)
(Source: USGS)



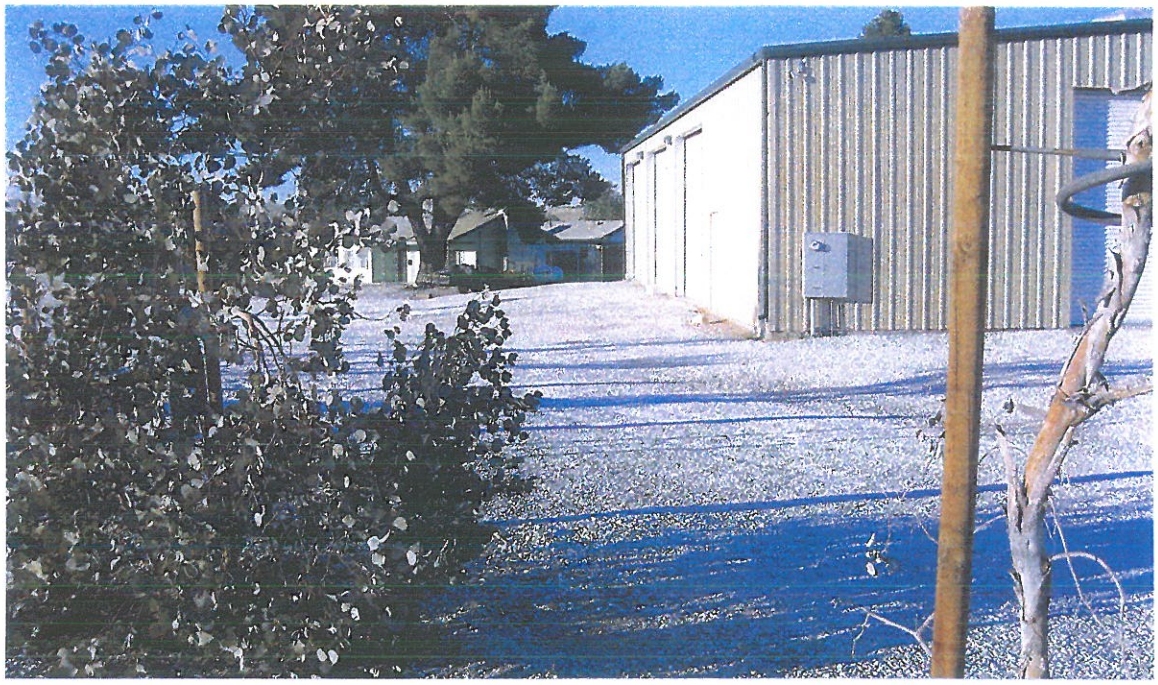
SW CORNER LOOKING NE

SE CORNER LOOKING NW

FIGURE 3

SITE PHOTOGRAPHS
(CUP, Cutting Edge Concrete APN 0468-281-26)

NW CORNER LOOKING SE



NE CORNER LOOKING SW

FIGURE 3, cont.

SITE PHOTOGRAPHS
(CUP, Cutting Edge Concrete APN 0468-281-26)

2.0 LITERATURE/RECORDS REVIEW - DESERT TORTOISE

As part of the environmental process, California Department of Fish and Game (CDFG) and U.S. Fish and Wildlife Service (USFWS) data sources were reviewed prior to initiation of field surveys to determine if the tortoises have been documented on the site or in the area surrounding the property. Based on the literature review and evaluation of the CNDDB database for the Victorville quadrangle, it was determined that the site is located within the general distribution of the desert tortoise. However, populations of desert tortoises have not been identified in the immediate surrounding area according to CNDDB (2012). The nearest documented tortoise populations are about three miles north of the site according to CNDDB (2012). Tortoise population levels in the immediate area surrounding the site are expected to be low to moderate (BLM, 1990).

There are no USFWS designated critical habitats for the tortoise in the immediate area nor is there any proposed critical habitat in the area. The protocol survey results outlined in this report are valid for one year as per CDFG and USFWS requirements, and an additional survey may be required if the 12-month time limit is exceeded before development activities are completed. However, regardless of the results of the tortoise survey, desert tortoises cannot be taken under State and Federal law. The survey report and any mitigation included do not constitute authorization for incidental take of the desert tortoise. If tortoises are observed during future site activities, all on-site activities should cease immediately and CDFG and USFWS should be contacted.

The desert tortoise is the largest reptile in the arid southwest United States, and it historically occupied a range that included a variety of desert communities in southeastern California, southern Nevada, western and southern Arizona, southwestern Utah, and through Sonora and northern Sinoloa, Mexico (Luckenbach, 1982). Today populations are largely fragmented and studies indicate a steady and dramatic decline over most of its former range (BLM, 1988). A highly contagious respiratory disease has infected tortoise populations over the last 20+ years, primarily in the western Mojave Desert region, which has had a very detrimental impact on population levels. Given the continued habitat loss and the rapid decline in numbers of tortoises brought about by the disease, the U.S. Fish and Wildlife Service exercised its emergency authority and determined tortoise populations north and west of the Colorado River to be an endangered species under the Endangered Species Act of 1973, as amended (USFES, 1989). The emergency rule was published in the Federal Register on August 4, 1989, and remained in effect until April 1, 1990. On April 2, 1990, the U.S. Fish and Wildlife Service officially listed the desert tortoise as a threatened species under the Endangered Species Act of 1973, as amended.

3.0 METHODOLOGY

The site was surveyed for desert tortoises by Randall Arnold May 21, 2012 and as required by the CDFG and USFWS survey protocol, 10 meter, parallel belt transects were walked in an east-west direction until the property had been checked for tortoises and/or tortoise sign (burrows, tracks, scats, etc.). Surveys in the zone of influence (ZOI) were not conducted in the surrounding area as per survey protocol due to the presence of private lands, existing fences and posted areas. All transects were walked at a pace that allowed careful observations along the transect routes and in the immediate vicinity. Field notes were recorded regarding native plant assemblages, wildlife sign, and human affects in order to determine the presence or absence of suitable tortoise foraging habitat. Surveys were performed on the site and in the surrounding area from about 0600 to about 1000 hours.

USFWS and CDFG specify when surveys for tortoises can be conducted (i.e., April through May and September through October); therefore, surveys were performed on May 23, 2011. Comprehensive surveys combined with identification of the habitat on the site and in the surrounding area will provide data on the potential presence or absence of tortoises. Temperatures during the May survey were in the low 50's to low 70's (AM, °F) with wind speeds of about 0 to 5 mph (mainly from the north), and cloud coverage of about 5 percent. No precipitation was recorded during the survey.

Limitations:

(1) This report is valid for 12 months from the date of the survey as per CDFG and USFWS requirements. An updated report will be required if project activities do not occur within the next 12-month period as per CDFG and USFWS requirements.

(2) The results of this report do not constitute authorization for the "take" of the desert tortoise or any other listed or sensitive wildlife species. The authorization to impact the tortoise can only be granted by CDFG and USFWS. If desert tortoises are observed during future project activities, project activities should cease immediately and CDFG and USFWS should be contacted to discuss mitigation measures which may be required for the desert tortoise.

4.0 GENERAL BIOLOGICAL SURVEY RESULTS

The site has been significantly disturbed by past activities, and currently supports very little native vegetation (Figure 4). Only a few native shrubs were noted during the field investigations and included rabbitbrush and saltbush primarily in the southwestern portion of the site. A few yellow-green matchweed shrubs (*Gutierrezia sarothrae*) and buckwheat (*Eriogionum fasciculatum*) were also observed. Annuals were composed primarily of erodium (*Erodium txanum*), schismus (*Schismus barbatus*), and bromus grass (*Bromus* sp.). A few eucalyptus trees (*Eucalyptus globulus*) have been planted along the eastern edge of the property and a few large deciduous trees were also present adjacent to the existing office. Table 1 provides a compendium of plants observed on the property (Appendix A).

Only a few wildlife species were identified during the field investigations conducted on May 21, 2012 from 0630 to 0930 hours. Birds observed were limited to morning doves (*Zenaida macroura*), ravens (*Corvus corax*), song sparrow (*Melospiza melodia*) and western kingbirds (*Tyrannus verticalis*). No reptiles were observed, although, side-blotched lizards (Uta stansburiana) and western whiptail lizards (*Cnemidophorus tigris*) are relatively common in the area and may occur on the property. In addition, no mammals were identified but small mammals such as antelope ground squirrels (*Ammospermophilus leucurus*), desert cottontail rabbits (Sylvilagus auduboni), and Merriam's kangaroo rats (*Dipodomys merriami*), may occur on the site as well. No wildlife corridors were identified on the site or in the immediate surrounding area, and no breeding activities were observed among any of the wildlife species. Table 2 (Appendix A) provides a compendium of wildlife species observed on the site and other species known to occur in the region.

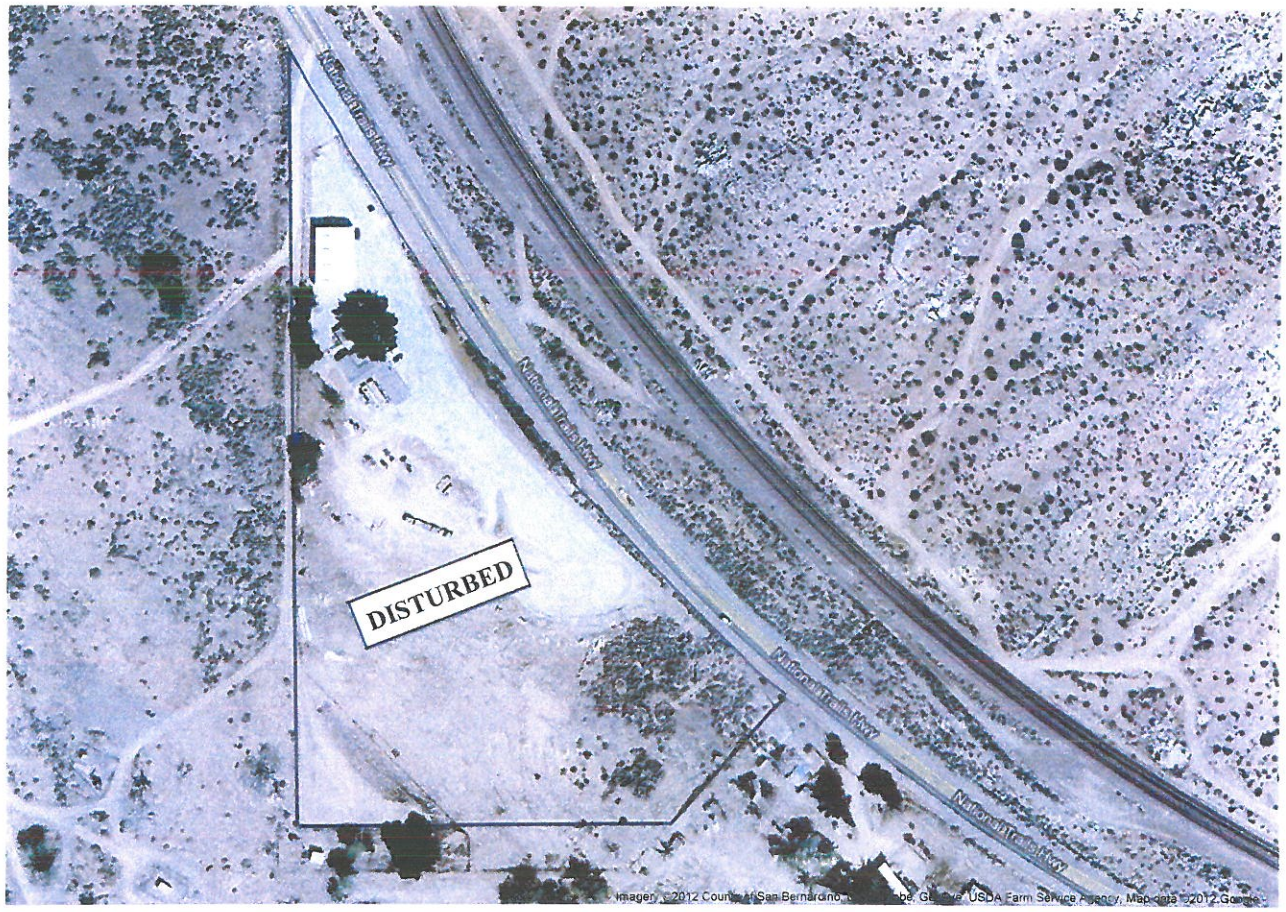


FIGURE 4

BIOLOGICAL RESOURCES MAP
(Cutting Edge Concrete, APN 0468-281-26)
(Source: Google Maps, 2012)

5.0 RESULTS – DESERT TORTOISE

The site does not support prime habitat for the desert tortoise nor were any tortoises or tortoise sign (burrows, scats, etc.) noted during the protocol survey performed on May 21, 2012. The absence of tortoises or any tortoise sign on the site is a function of the disturbed habitat conditions on the property. As previously indicated, the nearest documented population is about three miles north of the property (CNDDB, 2012). Tortoises are not expected to migrate onto the site in the near future based on the results of the field investigations, and the presence of an existing chain-link fence around most of the site.

6.0 IMPACTS AND RECOMMENDATIONS

The proposed development activities are not expected to have any direct or indirect impacts on tortoises or tortoise habitat based on the results of the May 21, 2012 survey. In addition, the project is not expected to disrupt any continuity of any important wildlife habitat or habitat/wildlife corridors. No additional investigations are recommended at this time; however, the survey results are only valid for 12-months, and CDFG, USFWS, and the County may require the site be re-surveyed for desert tortoise if development activities are not completed by May 21, 2013. In addition, if the site is modified by grading or otherwise disturbed prior to project approval, which results in the loss of desert tortoises, CDFG, USFWS, and the County Building and Safety Department should be notified. Such action prior to project approval will violate State and Federal endangered species laws and may be considered grounds for denial of the project. Mitigation and restoration plans will be required under such actions.

7.0 PROPOSED MITIGATION MEASURES

The site does not support tortoises at the present time and the proposed development project is not expected to impact the species. Therefore, no mitigation measures are proposed at the present time; however, if tortoises are observed on the property during future activities, all on-site activities should cease immediately and CDFG and USFWS should be contacted to initiate consultations, and to discuss mitigations which will be required prior to continuation of on-site activities. CDFG and USFWS are the only agencies which can grant authorization for the "take" of the desert tortoise.

8.0 REFERENCES

California Department of Fish and Game
1990 California's Wildlife, Volumes 1, 2, and 3. Sacramento.

California Department of Fish and Game
2012 Natural Diversity Data Base. Sacramento

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1998 California Wild Lands. Chronical Books. San Francisco, CA. 211 pp.

Holland, Robert F.
1986 Preliminary Description of the Terrestrial Natural Communities of California.Prepared for the California Natural Diversity Data Base. California Department of Fish and Game. Sacramento, California. 160 pp.

Johnson, H.
1976 vegetation and Plant Communities of Southern California Deserts- a functional view. In Symposium proceedings: Plant communities of Southern California. June Latting, editor. California Native Plant Society, Spec. No. 2 Berkeley, CA.

Luckenbach, Roger A.
1982 Ecology and Management of the Desert Tortoise (*Gopherus agassizii*) in California. In North American Tortoises: Conservation and Ecology. U.S. Department of Interior, Fish and Wildlife Service. Wildlife Research Report No. 12. pp. 1-36.

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1988 Desert Tortoise Habitat Management on the Public Lands: A Rangewide Plan. BLM, Washington, D.C.

1988 Recommendations for Management of the Desert Tortoise in the California Desert Conservation Area. BLM, Riverside, CA.

U.S. Department of the Interior, Fish and Wildlife Service.
1989 The Desert Tortoise Emergency and Proposed Listing. Portland , OR.

1989 Endangered and Threatened Wildlife and Plants; Desert Tortoise; Proposed Rule. Federal Register 50 CFR Part 17:42270-42278.

1990 Desert Tortoise Density Category Designation Maps. Maps obtained from Ray Bransfield, U.S.F.W.S. biologist, Laguna Niguel office, Laguna Niguel, CA.

LIST OF TABLES

USFWS 2010 DESERT TORTOISE CLEARANCE SURVEY REPORTING DATA SHEET

Date of survey: 21/5/2012 (day, month, year) Survey biologist(s): R. ARNOLD, RCA123@AOL.COM (760) 956-9212 (name, email, and phone number) BO#:

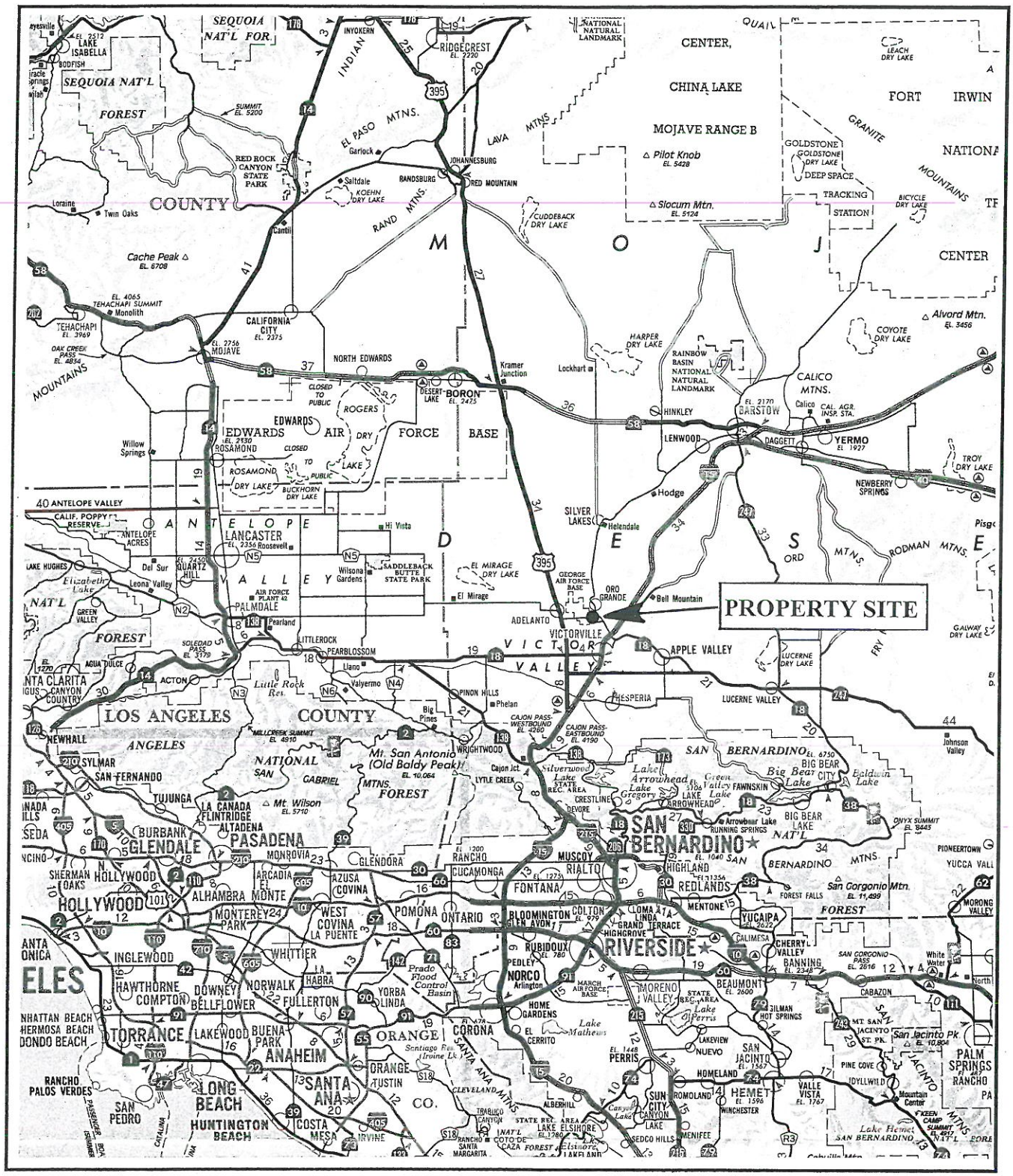
Project Name: Cutting Edge Concrete Site description: 5.63 acre, 18020 National Trails Hwy (general location, size)

County: SB Quad: Victorville Zone: 3 Location: T6N R5W Sec 29 (UTM coordinates, lat-long, and/or TRS; datum) Clearance #: 1-14 (Is this transect part of the 1st, 2nd, etc. clearance of project area?)

Live Tortoises

Detection number	Date	GPS location Easting	GPS location Northing	MCL (mm)	Existing tag # and color, If present	Transmitter #	Animal visually healthy (Y/N)	Disposition (<5km or >5km move)	If <5km move, Release site location Easting	If <5km move, Release site location Northing	If >5km move, blood sample #
1											
2	No Tortoises or										
3	tortoise sign										
4	observed.										
5											
6											
7											
8											
9											
10											
11											
12											
13											
14											

LIST OF FIGURES

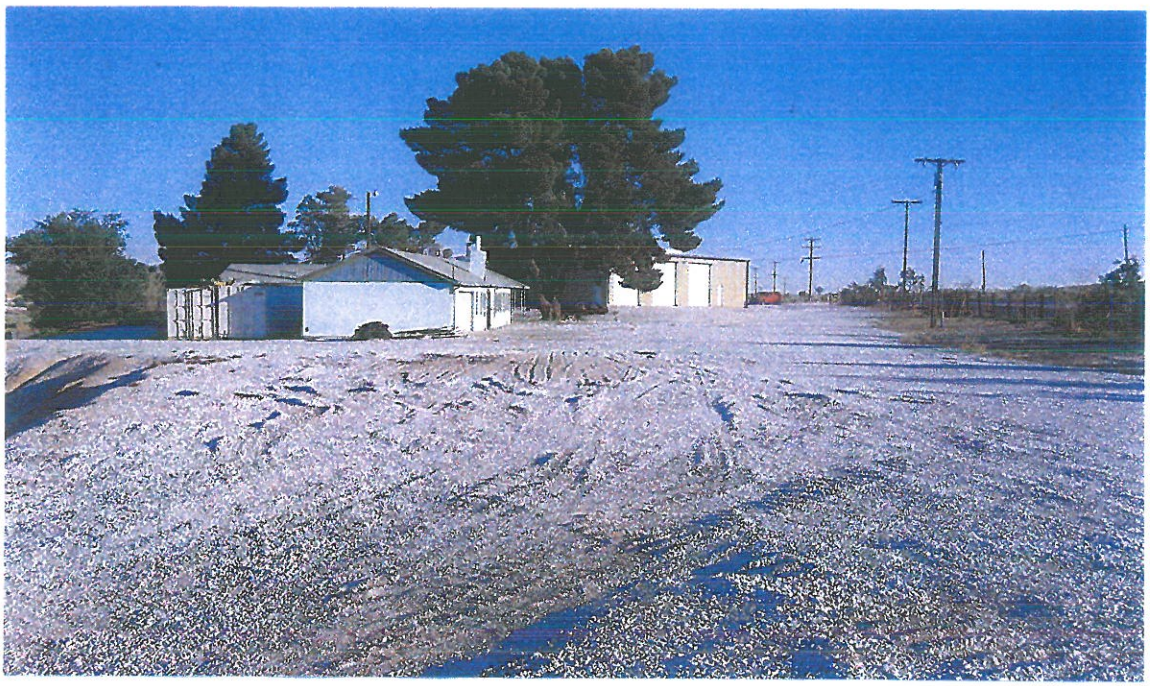


VICINITY MAP

(Cutting Edge Concrete, APN 0468-281-26)
(Source: ACSC Map Source, 2012)

CUTTING EDGE CONCRETE, INC.
ORO GRANDE PROJECT SITE

SITE PHOTOGRAPHS

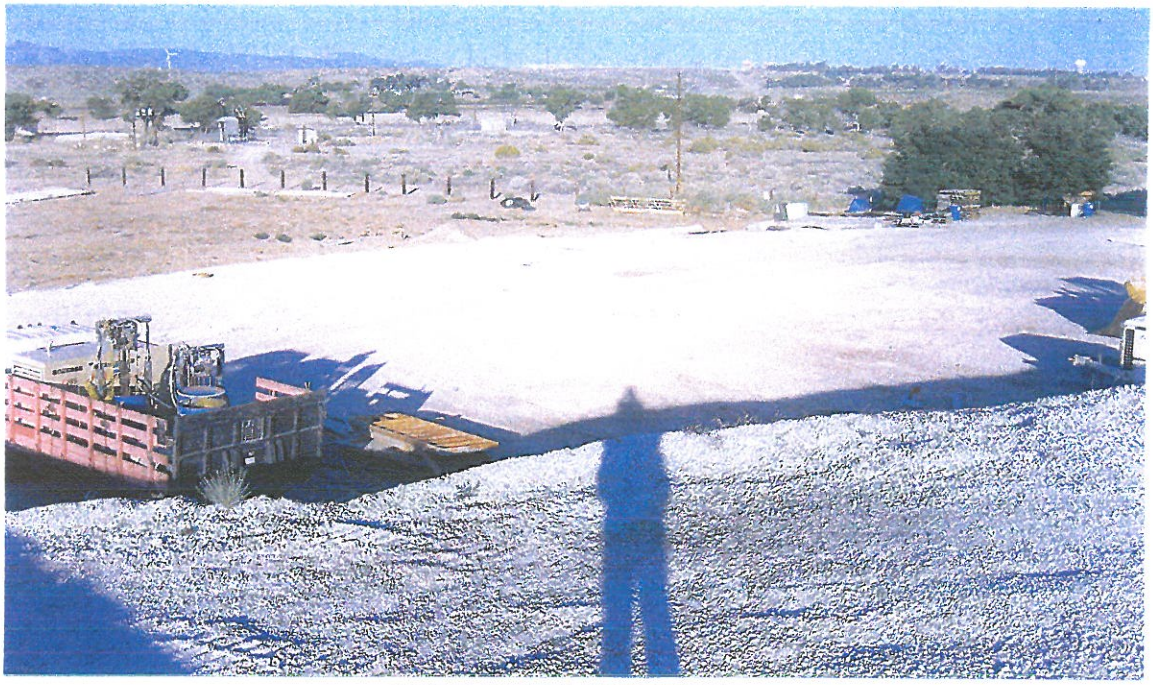


CENTER OF SITE LOOKING NORTH

CENTER OF SITE LOOKING SOUTH

SITE PHOTOGRAPHS
(CUP, Cutting Edge Concrete APN 0468-281-26)

CENTER OF SITE LOOKING EAST



CENTER OF SITE LOOKING WEST

SITE PHOTOGRAPHS
(CUP, Cutting Edge Concrete APN 0468-281-26)

APPENDIX A

Flora and Fauna Compendia

Table 1 - Plants observed on the site.

Common Name	Scientific Name	Location
Erodium	*Erodium texanum*	On-site
Schismus	*Schismus barbatus*	"
Buckwheat	*E. fasciculatum*	"
Brome grass	*Bromus sp.*	"
Fiddleneck	*Amsinckia tessellate*	"
Rabbitbrush	*Chrysothamnus depressus*	"
Saltbush	*Atriplex canescens*	"
Eucalyptus	*Eucalytus globulus*	"
Deciduous trees	*?*	"

Table 2 - Wildlife observed on the site and those species expected to occur in surrounding area.

Common Name	Scientific Name	Location
Common raven	*Corvus corax*	Observed on-site
Song sparrow	*Melospiza melodia*	"
Morning dove	*Zenaida macroura*	"
Western kingbird	*Tyrannus verticalis*	"
Western whiptail lizard	*Cnemidophorus tigris*	May occur on site
Side-blotched lizard	*Uta stansburiana*	"
Antelope ground squirrel	*Ammospermophilus leucurus*	"
Desert spiny lizard	*Sceloporus magister*	"
California ground squirrel	*Spermophilus beecheyi*	"
Coyote	*Canis latrans*	"
Merriam's kangaroo rat	*Dipodomys mohavensis*	"

Note: The above Tables are not comprehensive lists of every plant or animal species which may occur in the area, but are a list of those common species which have been identified on the site or in the region by biologists from RCA Associates, LLC, or which are common species in the region.

CERTIFICATION FOR DESERT TORTOISE SURVEY

I hereby certify that the statements furnished above and in the attached exhibits, present the data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. Fieldwork conducted for this assessment was performed by myself and biologists under my direction. I certify that I have not signed a non-disclosure or consultant confidentiality agreement with the project applicant or applicant's representative and that I have no financial interest in the project.

Date: 6-4-2012 Signed: _____
Report Author

Field Work Performed By: Randall Arnold
Senior Biologist